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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,291	06/27/2001	Alpha Hou	889712-25	5235

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EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/894,291	HOU, ALPHA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Houshang Safaipoor	2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanehl et al. (U.S. Patent No. 5,057,942).

Regarding claim 1, Kanehl et al. discloses a scanner comprising:

a transparent circular tube;

an image sensing module mounted within the transparent circular tube; and

a motion roller mounted in parallel with and substantially close to the transparent circular tube, the motion roller driven by a motor and rotating in a first direction and the transparent circular tube rotating in a second direction to move a scanning document along when the scanning document is fed between the transparent circular tube and the rubber-surfaced rod, wherein the image sensing module scans the scanning document as the scanning document moves along image sensing module (fig. 1, col. 2, line 49 through col. 3, line 5 and col. 5, lines 23-29).

Regarding claim 2, Kanehl et al. discloses the scanner of claim 1, wherein the transparent circular tube is made of a material that transmits light efficiently (col. 4, lines 45-48).

Regarding claim 3, Kanehl et al. discloses the scanner of claim 2, wherein the

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material is glass (col. 4, lines 45-48).

Regarding claim 4, Kanehl et al. discloses the scanner of claim 2, wherein the material is transparent plastic (col. 4, lines 45-48).

Regarding claim 5, Kanehl et al. discloses the scanner of claim 1, wherein the transparent circular tube is rotatably mounted in the scanner so that any friction from the scanning document will cause the transparent circular tube to rotate freely to avoid the scanning document being hesitantly moved along (fig. 1, col. 2, line 49 through col. 3, line 5).

Regarding claim 6, Kanehl et al. discloses the scanner of claim 5, wherein the first direction and the second direction is opposite (fig. 1).

Regarding claim 7, Kanehl et al. discloses the scanner of claim 5, wherein the friction is caused when the scanning document is in close contact with the transparent circular tube and at the same time being moved along (fig. 1).

Regarding claim 8, Kanehl et al. discloses the scanner of claim 2, wherein the image sensing module scans the scanning document from the inside of the transparent circular tube (fig. 1, col. 2, line 49 through col. 3, line 5).

Regarding claim 9, Kanehl et al. discloses the scanner of claim 2, wherein the image sensing module scans the scanning document when the transparent circular tube is caused to rotate (fig. 1, col. 2, line 49 through col. 3, line 5).

Regarding claim 10, Kanehl et al. discloses the scanner of claim 9, wherein the image sensing module scans the scanning document in synchrony with the rotation of the transparent circular tube (fig. 1, col. 2, line 49 through col. 3, line 5).

Regarding claim 11, Kanehl et al. discloses the scanner of claim 1, wherein the

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first direction and the second direction is opposite and wherein the transparent circular tube is also driven by the motor to rotate in the second direction (fig. 1, lines 23-29).

Regarding claims 12 and 13, arguments analogous to those presented for claims 1 and 10 are applicable to claims 12 and 13 respectively).

Regarding claim 14, Kanehl et al. discloses the scanner of claim 12, wherein the transparent circular tube is caused to rotate by a friction force caused between the scanning document and the transparent circular tube (fig. 1).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanehl et al. (U.S. Patent No. 5,057,942).

Regarding claim 15, Kanehl et al. does not explicitly disclose the scanner of claim 12, wherein the motion roller is rubber-surfaced. However, utilizing rubber-surfaced rollers is well known and routinely implemented in the art. Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to use rubber-surfaced rollers to create better frictional force between the rollers and the transparent tube.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor  
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Art Unit 2622  
October 12, 2004

  
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